

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59077 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- MADHAURAH District- Saran

Jitendra Singh Son Of Ambika Singh @ Adika Singh Resident Of Village-
Semarahiya, Ps- Marhowrah, Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Uday Shankar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Krishna Kumar Yadav, learned counsel appearing on behalf of the petitioner and Mr. Uday Shankar Singh, learned counsel for the informant. Learned Additional Public Prosecutor is also present.

2. The petitioner apprehends his arrest in connection with Morhowrah P.S. Case No. 204 of 2023, registered for the offences punishable under Sections 147, 341, 323, 324, 307, 379 & 504 of the Indian Penal Code.

3. Allegedly while the informant's son Bhupalsharan Upadhyay was constructing his house, in the meantime, all the accused persons, including the petitioner came there and threatened to stop the construction work, when the protest was made, all the accused persons brutally assaulted the son of



the informant. It is specifically alleged that the petitioner assaulted the son of the informant over the left side of his head. Further allegations have been levelled against other accused persons of assault and abuse.

4. Learned counsel for the petitioner submits that from the F.I.R., it is evident that neither the date and time of the occurrence has been given nor it has been alleged that by which weapons or means the petitioner has assaulted the son of the informant, That apart, the F.I.R. is based upon the typed copy of written report, wherein only the date has been inserted manually as 14.04.2023, but the F.I.R. has been instituted on 17.04.2023, which cast doubt upon the prosecution case and deliberation can not be ruled out.

5. He further submits across the Board that as per his instruction gathered from his client, the son of the informant has sustained simple injury, which is attributed against the petitioner. He next submitted that the present case is nothing but a counter blast to Marhowrah P.S. Case No. 198 of 2023, which is on earlier point of time. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

6. On the other hand, learned counsel for the



informant vehemently opposed the bail application and submits that the petitioner and other accused persons tried to forcibly grab the land of the informant and in this way all of them assaulted the family members of the informant resulting into grievous injuries.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that neither the time of the occurrence nor the means of weapon has been disclosed, apart from the fact that there is a case and counter case, coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 204 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shoaib/-

U		T	
---	--	---	--

